

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
June 10, 2004

ITEM: 9

SUBJECT: Sea World San Diego: Administrative Assessment of Civil Liability containing a \$6,000 Mandatory Minimum Penalty against Sea World San Diego for violation of effluent limitations established by Order No. 2000-25, NPDES No. CA0107336, Waste Discharge Requirements for Sea World San Diego, San Diego County, Discharge to Mission Bay. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0194) (Rebecca Stewart)

PURPOSE: The Regional Board will decide whether to accept Sea World San Diego's waiver of public hearing and \$6,000 payment in settlement of the allegations in Revised Administrative Civil Liability Complaint No. R9-2004-0067 (Document No. 4).

PUBLIC NOTICE: A public notice was published in the San Diego Union Tribune on May 8, 2004. The 30-day public comment period will end on June 3, 2004. The item has also been posted on the Regional Board web page.

DISCUSSION: On May 14, 2004 the Executive Officer issued Revised Complaint No. R9-2004-0085 for Administrative Civil Liability with Mandatory Minimum Penalties in the amount of \$6,000 against Sea World San Diego for violations of effluent limitations contained in Order No. 2000-25. The effluent limitation violations included one fecal coliform violation on August 20, 2002, and one enterococcus violation on October 2, 2002. These were the fourth and fifth effluent limitation violations in a six-month period, which requires the assessment of \$3,000 penalties pursuant to Water Code section 13385(i).

On May 17, 2004 Sea World San Diego waived its right to a public hearing and paid the assessment of civil liability proposed in the revised Complaint.

A Complaint was first issued on March 22, 2004 proposing mandatory minimum penalties for two total suspended solids

violations that occurred on September 7, 2000. Sea World provided documentation supporting the invalidation of these violations, which resulted in their removal from the revised Complaint.

If the Regional Board does not adopt the tentative Order accepting Sea World San Diego's settlement, a hearing will be rescheduled for a future Regional Board meeting.

No comments concerning this matter have been received to date.

LEGAL CONCERNS: None.

COMPLIANCE
RECORD:

Sea World San Diego is authorized to discharge up to 3.24 million gallons per day (MGD) through its east outfall and up to 6.12 MGD into Mission Bay. Mission Bay is listed on the State's list of Impaired Water Bodies for eutrophication, high coliform and lead impairments. Since the inception of mandatory minimum penalties in January 2000, Sea World has reported eight total coliform violations, two fecal coliform violations and three enterococcus violations. The Regional Board assessed \$12,000 in mandatory minimum penalties against Sea World in November 2000.

Sea World has not reported any effluent limitation violations since October 2, 2002.

SUPPORTING
DOCUMENTS:

- (1) Location Map.
- (2) Tentative Order No.R9-2004-0194.
- (3) Waiver of Hearing Form signed May 17, 2004.
- (4) Revised Complaint No. R9-2004-0085.

RECOMMENDATION: The adoption of tentative Order No. R9-2004-0194 is recommended.